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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/27/07

SPONSOR Maestas LAST UPDATED \_\_\_\_\_ HB 1143

SHORT TITLE Firefighters' Disabilities and Survivors Benefits SB \_\_\_\_\_

ANALYST Earnest

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 329 and HB 484

### SOURCES OF INFORMATION

LFC Files

#### Response Received From

Energy, Minerals, and Natural Resources Department (EMNRD)

### SUMMARY

#### Synopsis of Bill

House Bill 1143 establishes the Firefighters' Disability and Survivors Fund, creates the Firefighters' Disability and Survivors Benefits Review Committee, and provides supplemental death benefits for surviving spouses and family.

HB 1184 defines a firefighter as any full- or part-time member or a volunteer member of a fire department that is part of or administered by the state or any political subdivision of the state and any red-carded firefighter trained in wildland firefighting skills and hired by the State of New Mexico. The bill also defines "disabled in the line of duty", "killed in the line of duty" and "infectious disease."

The State Fire Marshal will administer the Firefighters' Disability and Survivors Fund, which will consist of all gifts, donations and bequests of money as well as appropriations and distributions to the fund. The fund will not revert to the general fund.

The Firefighters' Disability and Survivors Benefits Review Committee will consist of the Attorney General, the President of the New Mexico Fire Chief's Association, and the State President of the New Mexico Professional Firefighters Association or their designees.

The Committee shall review applications from firefighters for disability benefits and make recommendation to the State Fire Marshal of benefits to be paid from the fund. The Committee will determine whether a firefighter has been killed in the line of duty and advise the State Fire Marshal of the determination. In addition to any other death benefit, the beneficiaries will be paid \$50,000 from the fund as a supplemental death benefit whenever a firefighter is killed in the line of duty.

The benefit will be paid entirely to the surviving spouse. If no spouse exists, the benefit will be paid in pro rata shares to all surviving children. If there are no children or spouse, the benefit will be paid to the surviving parents of the firefighter.

### **FISCAL IMPLICATIONS**

The bill makes no appropriation or distribution to the newly created fund.

#### Continuing Appropriations language

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

### **SIGNIFICANT ISSUES**

EMNRD notes that a firefighter's income is often relatively small and the firefighter does not have sufficient life insurance to provide for the family if killed in the line of duty. There have been instances where families of firefighters killed in the line of duty have been left without adequate financial resources.

The Forestry Division of EMNRD has approximately 46 full-time, red card qualified employees whose families would qualify for this benefit if killed in the line of duty. During a severe fire season, the division may also employ approximately 200 additional emergency firefighters, whose families would also qualify.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 1184 relates to House Bill 377 and Senate Bill 329.

BE/nt